

Legal Department

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SDMS DocID 2052158

October 30, 2001

Ms. Kristine Matzko (3HS23)
Remedial Project Manager
United States Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Re: Lower Darby Creek Area Superfund Site
Folcroft Landfill and Folcroft Landfill Annex
Delaware County, Pennsylvania

Dear Ms. Matzko:

We acknowledge receipt of your Agency's letter, date stamped October 15, 2001, addressed to Corbin A. McNeill, Jr. and PECO Energy Company c/o Exelon Corporation and providing notice that U.S.E.P.A. has determined PECO Energy Company to be a potentially responsible party at this Superfund Site. Your letter provides for a response, either individually or through a PRP steering committee.

We have contacted several of the other entities listed in your October 15, 2001 letter. As yet, we have no indication that a steering committee has formed or is in the process of forming. Until such time as a PRP group does form, we will communicate with you on an individual basis.

We are willing to cooperate with your agency at this juncture if the aim is to move forward in resolving your concerns about the above-captioned landfill sites. Our cooperation does not imply that there is any validity to U.S.E.P.A.'s claim that PECO Energy may incur or may have incurred liability under Section 107 of CERCLA. Nor is our cooperation to be construed as waiving any rights we may have to assert CERCLA's inapplicability to PECO Energy Company.

I note from information in the documents you provided to us that the environmental condition at these sites does not warrant an immediate removal action. Since that cause for urgency does not exist, we suggest therefore that USEPA provide time for affected parties to form a PRP group. Of course we remain open to meeting with the other named parties at a meeting called or arranged by USEPA.

Very truly yours,

H. Alfred Ryan
Assistant General Counsel